

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining be allowed.

Request for Continued Examination

Applicants hereby request continued examination of the present application under 37 C.F.R. §1.114.

Personal Interview:

Applicants wish to thank Examiners Liu and Carlson for the courtesy extended to applicants and applicants' representative during the interview held March 10, 2004. The amendments and remarks made herein are made further to the discussions which occurred during the interview.

Claim Amendments:

Claim 1 has been amended. Claims 2-33 have been canceled, without prejudice or disclaimer. Applicants specifically reserve the right to file appropriate continuation and/or divisional application(s) drawn to the subject matter of these claims. New claims 34-48 have been added.

Claim 1 has been amended to recite that the claimed polypeptide is a fragment of RHAMM comprising SEQ ID NO: 74. Support for this amendment may be found, for example, at paragraph [0202] of the specification. New claim 36 is drawn to recombinantly produced or isolated polypeptides of less than 250 amino acid residues comprising SEQ ID NO: 74. Support for this claim may be found, for example, at paragraph [0202] of the specification. New claim 38 is drawn to recombinantly produced or isolated polypeptide which is a fusion polypeptide comprising SEQ ID NO. 74 and at least one sequence selected from the group consisting of a

portion of RHAMM and a heterologous sequence. Support for this claim may be found, for example, at paragraph [0149] of the specification.

New claims 40-44 are drawn to pharmaceutical compositions comprising at least one polypeptide according to any of claims 1 or 34-39. New claim 42 is drawn to such pharmaceutical compositions which further comprise a carrier, excipient or diluent. Support for this claim may be found, for example, at paragraph [0303] of the specification. New claim 43 is drawn to such pharmaceutical compositions which are adapted for administration by a variety of routes. Support for this claim may be found, for example, at paragraphs [0166], [0304] and [0550] of the specification. New claim 44 is drawn to such pharmaceutical compositions which are administered at dose ranges of 1 ng/kg to 80 mg/kg or 0.001 mg/kg to 50 mg/kg. Support for this claim may be found, for example, at paragraphs [0302] and [0305] of the specification.

New claims 45-47 are drawn to vaccine compositions comprising at least one polypeptide according to any of claims 1 or 34-39. New claim 47 is drawn to such compositions which are administered using a schedule which includes an initial immunization followed by at least one booster. Support for this claim may be found, for example, at paragraph [0309] of the specification.

New claim 48 is drawn to methods of treating inflammatory neurological disorders, multiple sclerosis, Parkinson's disease, Alzheimer's disease or diabetes mellitus by administering at least one polypeptide according to any of claims 1 or 34-39.

No new matter has been added by these amendments. The Examiner is hereby requested to enter these amendments.

Information Disclosure Statement (IDS):

Applicants enclose herewith copies of the PTO-1449s for the IDS filed February 25, 2003 as requested by the Examiner. Return of Examiner-initialed copies to the undersigned is requested.

Applicants also submit herewith a Supplemental Information Disclosure Statement and copies of the references noted therein.

Rejections Under 35 U.S.C. § 103:

The Examiner's rejection of Claims 1 and 10-14 under 35 U.S.C. §103(a) as obvious over Turley (WO97/38098) in view of Charo (USP 5,707,815) and the Examiner's rejection of Claims 2-6 under 35 U.S.C. §103(a) as obvious over Turley (WO97/38098) in view of Charo (USP 5,707,815) in view of Turley (EP 0 721 012) are respectfully traversed.

The claims have been amended to claim a fusion polypeptide comprising SEQ ID NO: 74 and a portion of RHAMM and/or a heterologous sequence or to claim an isolated RHAMM fragment comprising SEQ ID NO:74. As noted in the Examiner's interview summary, these claims are free of the prior art.

Withdrawal of the rejections is requested.

Double Patenting Rejection:

The Examiner's provisional rejection of claim 1 as unpatentable under the judicially created doctrine of obviousness type double patenting over the claims of co-pending application Serial No. 09/685,010 is respectfully traversed. As discussed at the interviews, the claims of this application are drawn to sequences which the Examiner deemed, in his restriction requirement, to be patentably distinct from the sequences to which the claims of co-pending application Serial No. 09/685,010 are drawn.

Withdrawal of the rejection is requested.

Conclusions:

For the reasons set forth above, applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's rejections are hereby requested. Allowance of the claims of this application at an early date is earnestly solicited.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is invited to call the undersigned at (650) 839-5122.

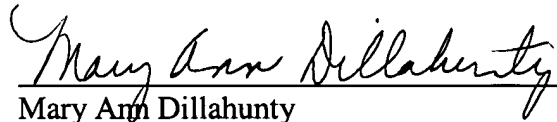
Applicant : Tony Cruz et al.
Serial No. : 09/978,309
Filed : October 15, 2001
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Enclosed is a \$385 check for the RCE fee required under 37 CFR 1.17(e) and a \$333 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/23/04


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